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UNITED STATES COURT OF APPEALS
 FOR THE THIRD CIRCUIT
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Hainsburgh
 Clerk of District Court
 (District)

Date 06-28-02

Berringer v. PA Bd Probation
 (Caption)

C. of A. No. 01-2594

Eric Berringer
 (Appellant)

00-CV-1994

(D.C. No.)

Enclosures:

0-28-02

(Date)

Certified copy of C. of A. Order by the Court/Clerk

Rec'd
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SEJ
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* ☒ Record

* ☒ Supplemental Record (First)

* ☐ Exhibits

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BPS-202

June 6, 2002

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 01-2594

ERIC BERRINGER

VS.

PA BOARD OF PROBATION AND PAROLE

(M.D. PA. CIV. NO. 00-CV-01994)

Present: ALITO, MCKEE and ALDISERT, CIRCUIT JUDGES

Submitted is appellant's notice of appeal, which may be construed as a request for a certificate of appealability under 28 U.S.C. § 2253(c)(1) in the above-captioned case.

Respectfully,

Clerk

MMW/EAW/zm

ORDER

The Appellant's foregoing request for a certificate of appealability is denied on the ground that Appellant's release from custody has rendered his habeas corpus petition moot. The Appellant was released on parole in September, 2001. When a habeas petitioner is released from the custody that he disputed, jurisdiction may be maintained only if "some concrete and continuing injury other than the now-ended incarceration or parole" exists. See Spencer v. Kemna, 523 U.S. 1, 7 (1998). The Appellant has pointed to no such concrete and continuing injury, and none is apparent to us.

By the Court,

Circuit Judge

Dated: JUN 28 2002

Ch/cc: EB
FR F

A TRUE COPY:

Kathleen Brouwer
Kathleen Brouwer,
Chief Deputy Clerk

FILED
HARRISBURG, PA

JUL 10 2002

MARY E. D'ANDREA
Per SA Deputy Clerk